

SENATE CHAMBER,
AUSTIN, TEXAS, Wednesday, July 27, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Priest the reading of the journal was dispensed with.

REPORTS FROM STANDING COMMITTEES.

Report of Committee on Judiciary on House bill No. 428:

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of Senate:

Your committee on Judiciary, to whom was referred House bill No. 428, entitled "An Act to legalize the organization and qualification of the county officers of Hamilton county, and to legalize the acts of the same," have carefully considered the same, and I am instructed to report it back to the Senate, with the recommendation that it do pass.

M. PRIEST,

Chairman of Committee.

On motion of Senator Bowers the rules were suspended to consider the report.

Report adopted.

Bill read first and second times; rules suspended and bill read third time and passed.

Report of Committee on Judiciary on House bill No. 341, with amendments:

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of Senate:

Your Committee on Judiciary, to whom was recommitted House bill No. 341, entitled "An Act providing for the issuance and sale of the bonds of the State for certain purposes therein named, and to provide for the payment of the interest thereon, and a sinking fund of two per cent.," have carefully considered the same, and instruct me to report it back with accompanying amendments and recommend that it do pass.

M. PRIEST,

Chairman of Committee.

Amendments to House bill No. 341 :

Amend section one, line three, by striking out the word "eight" and insert in lieu thereof the word "seven."

Add, after the word "semi-annually," in line four, the words "in gold."

Amend section four, line one, by striking out the words, "the Comptroller of the State shall cause to," and insert in lieu thereof the words "there shall."

In section four, line four, strike out the words "to create."

Strike out in line four and five the words "sufficient to pay," and insert in lieu thereof the words "of two per cent. to be applied to the payment of."

Strike out in line five the words "at maturity," and insert in lieu thereof the words "as hereinafter provided."

On motion of Senator Fountain the rules were suspended to consider the report.

Report of committee with amendments adopted.

[Senator Ruby in the chair.]

Pending discussion.

[President resumed the chair.]

Senator Mills offered the following amendment :

Amend section five, in line two, after the word "advantage," "provided, the said bonds shall not be sold at less than par."

Yeas and nays taken :

Yeas—Bell, Bowers, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Gaines, Hall, Latimer, Mills, Pridgen, Pyle, Shaanon—15.

Nays—Mr. President, Baker, Broughton, Ford, Fountain, Hertzberg, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—12.

Absent—Pickett.

Amendment adopted.

Under direction of the President the Secretary carried to the House, House bill No. 133, "An Act concerning the University lands and confirming the title thereto."

House bill No. 177, "An Act for the relief of Harvey W. Moore."

House bill No. 352, "An Act to define, establish and make the boundaries of the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Duval and Nueces," with amendments.

House bill No. 341.

[Senator Ruby in the Chair.]

Senator Dohoney offered the following amendment : Amend section five, line five, by striking out the words "and a half."

Senator Douglas offered the following amendment to the amendment : Strike out "one per cent." and insert "one-eighth of one per cent." Lost.

The question recurring upon the adoption of the amendment, yeas and nays called for :

Yeas--Baker, Bell, Broughton, Clark, Dohoney, Douglas, Evans, Flanagan, Gaines, Latimer, Mills, Pettit, Pridgen, Shannon--14.

Nays--Mr. President, Bowers, Cole, Ford, Fountain, Hall, Hertzberg, Parsons, Pyle, Rawson, Ruby, Saylor--12.

Absent--Priest, Pickett--2.

Adopted.

Senator Douglas offered the following amendment : Amend section fifth, line one, strike out "Governor" and insert "Comptroller."

Amendment lost.

Bill read second time.

Rules further suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas--Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Mills, Parsons, Pettit, Pyle, Rawson, Ruby, Shannon--21.

Nays--Douglas, Latimer, Saylor--3.

Absent--Hertzberg, Priest, Pickett, Pridgen--4.

Bill passed.

Senator Parsons offered the following resolution :

Resolved, That the Governor of Texas, upon the passage of the Frontier Protection Appropriation bill, be requested at once to organize, and throw in the direction of the head waters of the Colorado and Brazos rivers, the companies of the frontier regiments authorized by law, as fast as organized, in order to meet the Indian invasion now upon our people.

Adopted.

Under direction of the President, the Secretary carried to the House for signature of the Speaker, enrolled Senate bill No. 139, "An Act to incorporate the Harrison County Agricultural and Mechanical Association."

Enrolled Senate bill No. 87, "An Act providing for the payment of District Attorneys, *pro tem*."

Enrolled Senate bill No. 101, "An Act for the relief of J. H. Hallonquist."

They were signed by the Speaker in open session and returned to the Senate, and thereupon signed by the President.

Message from the House informing the Senate the House had passed House bill No. 463, "An Act for the relief of John B. Craig, deceased."

House bill No. 455, "An Act to repeal an Act entitled an Act

regulating contracts for Labor." Approved November 1, 1866.

House bill No. 376, "An Act for the relief of Andrew J. Nichols."

House bill No. 394, "An Act to incorporate Salter's Commercial Literary College."

House bill No. 317, "An Act supplementary to the Act to incorporate the Buffalo Bayou, Brazos and Colorado Railroad Company, and to the other special acts relating to said Company."

House bill No. 294, "An Act to incorporate the Western Narrow Gauge Railway Company."

House bill No. 200, "An Act in relation to the Missouri, Kansas and Texas Railway Company, late Union Pacific Railway Company—Southern branch."

House bill No. 135, "An Act to incorporate the Waco Insurance Company."

House bill No. 127, "An Act to repeal an act entitled 'an act to amend articles 756 and 767 of an act to establish a penal code for the State of Texas,' " approved November 12, 1866.

House bill No. 107, "An Act repealing an act entitled 'an act establishing a general apprentice law, and defining the obligations of master or mistress and apprentices,' " approved October 27, 1866.

Also, the Speaker had signed in open session enrolled bill "An Act to relinquish the titles and to confirm the patents to certain lands therein named."

Enrolled bill "An Act authorizing the construction of a ship channel from Bolivar Point to the city of Houston."

Enrolled bill "An Act providing for the payment of the outstanding indebtedness of the several counties," whereupon they were signed by the President.

Special order—The hour for special order, the consideration of House bill No. 91, "An Act to organize, incorporate and aid the East Line and Red River Company of Texas."

Bill read third time.

[Senator Ruby in the Chair.]

Yeas and nays taken on final passage of bill.

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Evans, Flanagan, Gaines, Latimer, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—21.

Nays—Hall, Hertzberg, Priest—3.

Absent—Douglas, Ford, Pickett, Fountain—4.

Bill passed and sent to the House.

Message from the House informing the Senate the House had concurred in the following Senate amendments to House bill No. 352:

Amend section one by inserting in the "blank" after the words

"margin of the Rio Grande at the" the words "southeast" before the word "corner."

Senate amendments to House bill No. 331 : amend section one by striking out the words "commissioners" and insert "incorporators."

Under direction of the President, the Secretary carried to the House House bill No. 341, "An Act providing for the issuance and sale of the bonds of the Stat for certain purposes therein named."

Special message from the Governor by his private Secretary :

EXECUTIVE DEPARTMENT,

Austin, Texas, July 27, 1870.

To the Honorable Senate of the State of Texas :

GENTLEMEN : I respectfully ask your advice and consent to the following appointments, to wit :

C. H. Alexander, Westley Garner, H. C. Smith, William Harris and Edward Fink for Pilot Commissioners at Sabine Pass, Texas.

Respectfully,

EDMUND J. DAVIS,

Governor.

Senator Flanagan rose to a question of Privilege and asked that the consideration of the Governor's veto on Senate bill No. 11, "An Act for the relief of the Eastern Texas Railroad Company, and to authorize it to branch the same as therein stated," be taken up.

Granted.

Report of majority and minority committee read.

Senator Parsons moved that on reconsideration the Senate pass Senate bill No. 11.

The Chair put the question "Shall the Senate on reconsideration of the vote, pass the bill over the Governor's veto?"

Yeas and nays taken :

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Latimer, Mills, Parsons, Pridgen, Pyle, Rawson, Shannon—19.

Nays—Fountain, Gaines, Hall, Hertzberg, Priest, Ruby, Saylor—7.

Absent—Pettit, Pickett—2.

Bill passed.

Report of Committee on Enrolled Bills :

COMMITTEE ROOM,
Austin, July 27, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Enrolled Bills have examined and find correctly enrolled Senate bill No. 87, entitled "An Act providing for the payment of district attorneys *pro tem.*;" and also Senate bill No.

101, entitled "An Act for the relief of J. H. Hallonquist;" and also Senate bill No. 139, entitled "An Act to incorporate the Harrison County Agricultural and Mechanical Association," and to-day at 12 o'clock and fifty minutes P. M. presented them to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Engrossed Bills having examined and compared Senate bill No. 221, "to incorporate the Saving and Trust Company of Texas;" also, Senate bill No. 24, "to make valid the official acts of certain surveyors," and Senate bill No. 191, "to incorporate the North Texas Railroad Company," find the same to be correctly engrossed.

G. T. RUBY,
P. W. HALL,
E. L. DOHONEY.

Report of Committee on Private Land Claims:

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of Senate:

Your Committee on Private Land Claims, to whom was referred the petition of John B. Millerman for a land certificate, have had the same under consideration, and I am instructed to report it back with the accompanying bill and recommend that it do pass.

B. J. PRIDGEN,
Chairman.

Bill read first time.

Laid over under the rules.

Senator Bowers moved the Senate adjourn to 10 o'clock to-morrow.

Yeas and nays taken:

Yeas—Bell, Bowers, Broughton, Clark, Evans, Ford, Gaines, Latimer, Mills, Parsons—10.

Nays—Mr. President, Baker, Cole, Dohoney, Douglas, Flanagan, Fountain, Hall, Hertzberg, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—17.

Absent—Pickett.

Lost.

Senator Campbell moved to adjourn till 8 o'clock to-night.

Yeas and nays taken:

Yeas—Mr. President, Baker, Bell, Cole, Dohoney, Douglas,

Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—18.

Nays—Bell Bowers, Broughton, Clark, Gaines, Latimer, Mills, Parsons—8.

Absent—Pettit, Pickett—2.

Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Wednesday, July 27, 1870.

EVENING SESSION.

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called; quorum present.

By leave, the following bills were introduced :

By Senator Hall, "An Act to incorporate the Calvert Bridge Company."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Dohoney, "An Act for the relief of the Memphis, El Paso and Pacific Railroad Company."

Read first time and referred to Committee on Internal Improvements.

Also, a bill to be entitled "An Act to provide for the location and pre-emption of lands within the Memphis, El Paso and Pacific Railroad Reservation."

Read first time and referred to Committee on Judiciary.

REPORTS FROM STANDING COMMITTEES.

Reports of Committee on Internal Improvements :

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL

President of Senate :

Your Committee on Internal improvements, to whom was referred Senate bill No. 183, entitled "An Act to incorporate the Callahan Oil Manufacturing Company, of Hempstead, Texas," respectfully report they have duly considered the same, and recommend its passage.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Internal Improvements, to whom was referred Senate bill No. 235, entitled "An Act incorporating the Texas

Coal and Mining Company," beg leave to report they have had the same under careful consideration, and recommend its passage.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Internal Improvements, to whom was referred Senate bill No. 209, entitled " An Act to incorporate the Eastern Texas Cotton, Woolen and Cotton Seed Oil Manufacturing Company," respectfully report they have, with care, considered the same and recommend its passage.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your committee to whom was referred Senate bill No. 283, entitled " An Act to incorporate the Austin Gas Light Company," respectfully report they have duly considered the same and recommend its passage.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

Reports of Committee on Education :

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your committee to whom was referred the petition of certain citizens of Johnson and Hood counties, asking the prohibition of the sale of intoxicating and spirituous liquors within one mile of George's Creek Seminary, have had the same under careful consideration, and would beg leave to report the accompanying bill and recommend its passage.

E. PETTIT,
Chairman Education Committee.

Laid over under the rules.

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your committee to whom was referred Senate bill No. 49, entitled "An Act to incorporate Lampasas College," have had the same under consideration, and I am instructed to report it back with the recommendation that it do pass.

E. PETTIT,
Chairman Education Committee.

Laid over under the rules.

Report of Committee on Counties and County Boundaries :

COMMITTEE ROOM,
Austin, July 27, 1870.

Hon. DON CAMPBELL,

President of Senate :

SIR: Your Committee on Counties and County Boundaries, to whom was referred petitions of citizens of Bexar and Medina counties, asking for, and protesting against, the cutting off from Bexar county a part thereof, to annex the same to Medina county, return the same; recommending that the matter be left to, and determined by, a majority vote of the citizens of Bexar county.

J. G. BELL, Chairman.

Laid over under the rules.

Report of Committee on Engrossed Bills :

COMMITTEE ROOM,
Austin, July —, 1870.

The Hon. DON. CAMPBELL,

President of the Senate :

Your Committee on Engrossed Bills having examined and compared Senate bill No. 297, "Amendatory of an act entitled 'An Act to expedite the construction of the Southern Pacific Railroad Company,' " and Senate bill No. 125, to amend the ninth section of an act entitled "An Act to amend the charter of the town of Goliad," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

COMMITTEE ROOM,
Austin, July 27, 1870.

Hon. DON CAMPBELL,

President of Senate :

SIR: Your Committee on Counties and County Boundaries, to

whom was referred petitions of citizens of Grimes county, asking for, and protesting against the removal of the county site from Anderson to Navasota, return the same recommending that the matter be left to and determined by a majority vote of the citizens of Grimes county.

J. G. BELL,
Chairman.

Laid over under the rules.

Report of Committee on Private Land Claims :

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee, to whom was referred the petition of Jas. S. Patterson, have had the same under consideration, and I am instructed to report it back with the accompanying bill, and recommend that it do pass.

B. J. PRIDGEN,
Chairman.

Bill read first time.

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Private Land Claims, to whom was referred Senate bill No. 257, entitled "An Act for the relief of H. E. McLelland, have considered the same and instruct me to report it back, with the recommendation that it do pass.

B. J. PRIDGEN,
Chairman.

Bill read first time.

Laid ovdr under the rules.

[Senator Fountain in the Chair.]

On motion of Senator Baker the rules were suspended to take up Senate bill No. 285, "An Act incorporating the Texas Coal and Mining Company."

Bill read second time and passed to engrossment; rules suspended and bill read third time.

Yeas and nays taken :

Yeas--Mr. President, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Par-

sons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor. Shannon---22.

Nays---None.

Bill passed.

Senator Campbell offered the following resolution :

Resolved, That in order to expedite the business of the evening sessions of the Senate, that when the rules are suspended at the commencement of roll call, they shall remain so suspended during the evening for calling up bills.

Adopted.

Senator Bell moved to take up Senate bill No. 183, "An Act to incorporate the Callahan Cotton Seed Oil Manufacturing Company of Hempstead, Texas."

Bill read second and third times.

Yeas and nays taken on final passage:

Yeas---Mr. President, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flauagan, Ford, Fountain, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon---23.

Nays---None.

Bill passed.

Senator Pyle offered the following resolution, and moved a suspension of the rules to consider the resolution :

Resolved, That the latter clause of rule No. 24 be suspended, so far as it effects evening sessions, and that smoking be allowed during evening sessions.

Yeas and nays taken :

Yeas---Mr. President, Bell, Broughton, Cole, Fountain, Hertzberg, Mills, Parsons, Pridgen, Pyle, Ruby, Saylor, Shannon---13.

Nays---Baker, Dohoney, Douglas, Evans, Flanagan, Ford, Hall, Pettit, Priest, Rawson---10.

Absent---Bowers, Clark, Gaines, Latimer, Pickett---5.

Resolution lost, two-thirds not voting in the affirmative.

Senator Broughton moved to take up Senate bill No. 180, entitled "An Act for the relief of Cain T. Brush."

Bill read second time and passed to engrossment.

Rules suspended, bill read third time.

Yeas and nays taken on final passage :

Yeas---Mr. President, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Rawson, Ruby, Saylor, Shannon---22.

Nays---None.

Bill passed.

Senator Cole moved to take up House bill No. 32, "An Act to incorporate the Jefferson and Louisiana Slack Water Navigation Company."

Bill read first time.

Rules suspended, bill read second time.

Senator Dohoney offered the following amendment:

Amend section five, line eleven by striking out the word "ten" and insert in lieu thereof the word "five."

Yeas and nays taken:

Yeas—Broughton, Dohoney, Douglas, Evans, Shannon--5.

Nays—Mr. President, Baker, Bell, Cole, Flanagan, Ford, Fountain, Hertzberg, Mills, Parsons, Pettit, Pridgen, Pyle Rawson, Ruby, Saylor--16.

Absent—Bowers, Clark, Gaines, Hall, Latimer, Pickett, Priest--7.

Amendment lost.

Rules suspended, bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Bell, Cole, Flanagan, Ford, Fountain, Hall, Hertzberg, Mills, Parsons, Pettit, Pridgen, Pyle, Ruby, Saylor--16.

Nays—Broughton, Dohoney, Douglas, Evans, Rawson, Shannon--6.

Bill passed.

Senator Dohoney moved to take up House bill No. 51, "An Act to incorporate the town of Bonham, in Fannin county."

Read first time.

Rules suspended, bill read second time; rules further suspended and bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon--21.

Nays—None.

Bill passed.

Senator Douglas moved to take up Senate bill 47, "An Act to amend an act entitled 'An Act to incorporate the Houston and Great Northern Railroad Company.'"

Rules suspended and bill read second time.

Senator Ruby moved the reference of the bill to the Judiciary Committee.

Lost.

Senator Priest offered the following amendment to the bill:

Provided, That this bill is not intended to interfere with any

pre-existing rights or forfeitures, but its object is plainly expressed to change the name of the company and gauge of the road.

Yeas and nays taken :

Yeas—Evans, Fountain, Hall, Hertzberg, Mills, Pettit, Priest, Pridgen, Ruby, Saylor—10.

Nays—Baker, Bell, Broughton, Cole, Dohoney, Douglas, Flanagan, Ford, Parsons, Pyle, Rawson, Shannon—12.

Absent—Mr. President, Bowers, Clark, Gaines, Latimer, Pickett.
Amendment lost.

Senator Ruby offered the following amendment :

Amend section two, line one, by striking out the word "exceeding" and inserting the words "less than" in lieu thereof.

Lost.

Rules suspended and bill read third time.

Yeas and nays called for :

Yeas—Baker, Bell, Broughton, Cole, Dohoney, Douglas, Flanagan, Ford, Fountain, Hertzberg, Parsons, Pridgen, Pyle, Rawson, Shannon—15.

Nays—Evans, Hall, Mills, Pettit, Priest, Ruby, Saylor—7.

Bill passed.

Senator Evans moved to take up House bill No. 266, "An Act to incorporate the Dallas Wire Suspension Bridge Company."

Bill read first time.

Rules suspended and bill read second time.

Rules suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas—Baker, Bell, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—21.

Nays—Broughton.

Bill passed.

Senator Flanagan moved to take up House bill No. 317, "An Act supplementary to the act to incorporate the Buffalo Bayou, Brazos and Colorado Railroad Company, and to the other special acts relating to said company."

Senator Mills moved the bill be made the special order for Tuesday, at half-past eleven A. M.

Lost.

Bill read first time.

Senator Dohoney moved the further consideration of the bill be postponed until Saturday, at half-past ten A. M., and that it be made the special order for that time.

Yeas and nays taken :

Yeas—Dohoney, Ford, Fountain, Mills, Pettit, Pridgen, Shannon—7.

Nays—Mr. President, Baker, Bell, Cole, Douglas, Evans, Flanagan, Hall, Hertzberg, Parsons, Priest, Pyle, Rawson, Ruby, Saylor—15.

Absent—Bowers, Broughton, Clark, Gaines, Latimer, Pickett—6.

Motion to postpone lost.

Rules suspended and bill read second time.

Rules suspended and bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Bell, Cole, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Mills, Parsons, Priest, Pyle, Pridgen, Rawson, Ruby, Saylor—19.

Nays—Pettit, Shannon—2.

Absent—Bowers, Broughton, Clark, Dohoney, Gaines, Latimer, Pickett—7.

Bill passed.

On motion of Senator Pyle the Senate adjourned.

SENATE CHAMBER,
AUSTIN, TEXAS, Thursday, July 28, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Priest the reading of the journal was dispensed with.

REPORTS.

Report of Committee on Roads, Bridges and Ferries:

COMMITTEE ROOM,
Austin, July 28, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 301, entitled "An Act to incorporate the Calvert Bridge Company," return the same, recommending its passage, with the following amendment: Add to section seven, "Provided, that nothing in this charter shall be so construed as to interfere with any chartered ferry, and this bridge company is to have no exclusive rights until after the completion of said bridge."

J. G. BELL,
Chairman.

On motion of Senator Priest the rules were suspended to consider the report.

Report and amendments adopted.

Bill, as amended, read second time and passed to engrossment.

Rules suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Douglas, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby—24.

Nays—None.

Absent—Dohoney, Evans, Saylor, Shannon—4.

Bill passed.

Report of Committee on Judiciary.

COMMITTEE ROOM,
Austin, July 27, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 281, entitled "An Act to organize the courts of Justices of the Peace and Police courts, and to define their jurisdiction and duties," have carefully considered the same, and instruct me to report it back to the Senate with accompanying amendments, and recommend its passage.

M. PRIEST,
Chairman of Committee.

Amendments to Senate bill 281 :

Amend by striking out all of section three and section four, down to and including the word "costs," in line five.

Amend section five, by striking out all in line eight, after the word "county;" and all of line nine, and insert in lieu thereof the words "in which the contract by its terms is to be performed, or in which the defendant resides."

Strike out all in lines ten, eleven, twelve.

Amend section twelve, line two, by striking out all after the word "peace," down to, and including the word "detainer," in line three.

In section sixteen, strike out in lines twenty-two and twenty-three the word "five," before the word "hundred," and insert the word "one," in lieu thereof.

In section seventeen, strike out all of lines three and four down to, and including the word "courts" in line five.

Strike out all of section eighteen.

Amend by adding to the end of section twenty-two, the words "and attachments may issue for such witnesses."

In section thirty-five, line thirty, strike out all after the words "counties," and in line thirty-one the words "in the county or."

Amend section forty, by adding at the end the following words: "He shall assist the District Attorney in the final prosecution of all cases represented by him in the examining courts."

On motion of Senator Priest, the rules were suspended to consider report.

Report adopted, and on further motion was made the special order for to-morrow at 10½ A. M.

Report of Committee on Judiciary :

COMMITTEE ROOM,
Austin, July 27, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred House bill No. 30, entitled "An Act to authorize the clerks of the supreme and district courts, and the justices of the peace, to issue executions for all costs created by parties in any suit or suits in said courts, and to provide for the collection of the same," have carefully considered the same, and I am instructed to report it back with accompanying amendments, and recommend its passage.

M. PRIEST,
Chairman of Committee.

Amend by striking out section two.

In section five, line five, strike out all after the word "four" down to and including the word "case."

In section six, line three, strike out all after the word "days."

In section eight, line seven, strike out all after the word "execution."

Laid over under rules.

Report of Committee on Judiciary :

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 239, entitled "An Act to incorporate the Bank of Sabine Pass," have carefully considered the same, and instruct me to report it back with the recommendation that it do pass.

M. PRIEST,
Chairman of Committee.

Laid over under the rules.

Message from the House informing the Senate the House had passed House bill No. 105, entitled "An Act to incorporate the Texas Mutual Life Insurance Compacy."

House bill No. 465, "An Act making an appropriation to re-cover the treasury building."

House bill No. 438, "An Act to incorporate the Weatherford Masonic Institute."

House bill No. 11, "An Act to repeal an act to provide for the assessing and collection of a tax on dogs in certain counties therein named, approved November 13, 1866."

Also, the House has reconsidered its vote by which it concurred in Senate amendment to House bill No. 331, and return said bill, the Senate amendment not being adopted.

BILLS AND RESOLUTIONS.

By Senator Hertzberg: An act to be entitled "An Act to incorporate the San Antonio Turners' Hook and Ladder Company No. 1."

Read first time and referred to Committee on Judiciary.

By Senator Fountain: "An Act for the relief of Mrs. Alwin Sumner, widow of August Sumner."

Read first time and referred to Committee on Judiciary.

Senator Flanagan offered the following resolution.

Resolved, That Hon. John Bell, Senator from the Thirteenth Senatorial District, be granted leave of absence for thirty days from and after Saturday, 30th July.

Adopted.

Report of Committee on Engrossment:
Hon. DON CAMPBELL,

President of Senate:

Your Committee on Engrossed Bills, having examined and compared Senate bill No. 98, "for the relief of John H. Swofford, assessor and collector of Johnson county, and his sureties, and Elbert M. Heath, deputy assessor and collector, and his sureties," and Senate bill No. 244, "to prohibit the sale of intoxicating or spirituous liquors in the vicinity of Starville Female High School," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

Senator Pyle offered the following resolution:

Resolved, That the Senate, the House concurring, will adjourn *sine die* on the fifteenth day of August at 11 o'clock A. M.

Senator Pridgen offered the following amendment:

"Provided, that before said time of adjournment the Legislature shall have passed laws prescribing the jurisdiction of magistrates and their duties, together with the duties of sheriffs as collectors, and also the duties and functions of district clerks."

Senator Priest offered the following amendment to the amendment:

Add to amendment, "laws providing for elections, tax law, and law making appropriations for support of State government."

Senator Bowers moved that the resolution and amendments be referred to a joint committee of two from the Senate and three from the House.

Carried.

Under direction of the President the Secretary carried to the House, with action of the Senate, Senate bill No. 24, "An Act to make valid the official acts of certain surveyors."

Senate bill No. 125, "An Act to amend the ninth section of an act entitled 'An Act to amend the charter of the town of Goliad.'"

Senate bill No. 191, "An Act to incorporate the North Texas Railroad Company."

Senate bill No. 221, "An Act to incorporate the Savings and Trust Company of Texas."

Senate bill No. 297, "An Act amendatory of an act entitled 'An Act to expedite the construction of the Southern Pacific Railroad Company.'"

Also, House bill No. 32, "An Act to incorporate the Jefferson and Louisiana Slack Water Navigation Company."

House bill No. 51, "An Act to incorporate the town of Bonham, in Fannin county."

House bill No. 266, "An Act to incorporate the Dallas Wire Suspension Bridge Company."

House bill No. 317, "An Act supplementary to the act to incorporate the Buffalo Bayou, Brazos and Colorado Railroad Company."

Senate bill No. 98, "An Act for the relief of John H. Swofford, Assessor and Collector of Johnson county, and his sureties, and Elbert M. Heath, Deputy Assessor and Collector, and his sureties."

Substitute for Senate bill No. 244, "An Act to prohibit the sale of intoxicating or spirituous liquors in the vicinity of Starrville Female High School."

Enrolled Senate bill No. 130, "An Act to incorporate the Texas Odd Fellows' University and Orphans' Home."

Whereupon they were signed by the Speaker and returned to the Senate, and signed by the President.

On motion of Senator Mills the rules were suspended to take up Senate bill No. 197, "An Act prescribing the time of holding the

district courts in the several judicial districts in the State, returned from the House amended.

The following amendments, as reported from the House, were concurred in by the Senate:

SUBSTITUTE FROM SECTION SIX.

SEC. 6. That the district courts of the fifth judicial district shall be holden at the times hereinafter specified, to-wit:

In the county of Sabine on the first Mondays in October, February, and June, and may continue in session three weeks.

In the county of Shelby on the the first Mondays in November, March and July, and may continue in session four weeks.

In the county of Panola on the first Mondays in December, April and August, and may continue in session four weeks.

AMEND SECTION ELEVEN.

Strike out the words "until the business is disposed of," and insert instead thereof the words "four weeks."

AMEND SECTION THIRTY-FIVE.

Amend section thirty-five by adding the following: In the county of Bosque, on the second Mondays in December, April and August, and may continue in session two weeks.

SUBSTITUTE FOR SECTION THIRTY-SIX.

SEC. 36. That the district courts for the thirty-fifth judicial district shall be holden at the times hereinafter specified, to-wit:

In the county of Navarro, on the first Mondays in October, February and June, and may continue in session four weeks.

In the county of Hill, on the first Mondays in November, March and July, and may continue in session four weeks.

In the county of Limestone, on the first Mondays in December, April and August, and may continue in session three weeks.

The Senate do not concur in the following House amendments:

SUBSTITUTE FOR SECTION EIGHT.

SEC. 8. That the district courts of the seventh judicial district shall be holden at the times hereinafter specified, to-wit:

In the county of Davis on the first Mondays in October, February and June, and may continue in session two weeks.

In the county of Titus, on the third Mondays in October, February and June, and may continue in session three weeks.

In the county of Marion, on the third Mondays in November, March and July, and may continue in session seven weeks.

SUBSTITUTE FOR SECTION TEN.

SEC. 10. That the district courts of the ninth judicial district shall be holden at the times hereinafter specified, to-wit:

In the county of Upshur, on the first Mondays in October, February and June, and may continue in session three weeks.

In the county of Rains, on the fourth Mondays in October, February and June, and may continue in session one week.

In the county of Wood, on the first Mondays in November, March and July, and may continue in session three weeks.

In the county of Smith, on the fourth Mondays in November, March and July, and may continue in session six weeks.

SUBSTITUTE FOR SECTION SEVENTEEN.

SEC. 17. That the district courts of the sixteenth judicial district shall be holden at the times hereinafter specified, to-wit :

In the county of Calhoun, on the first Mondays in October, February and June, and may continue in session three weeks.

In the county of Victoria, on the fourth Mondays in October, February and June, and may continue in session three weeks.

In the county of Refugio, on the third Mondays in November, March and July, and may continue in session one week.

In the county of San Patricio, on the fourth Mondays in November, March and July, and may continue in session one week.

In the county of Nueces, on the first Mondays in December, April and August, and may continue in session three weeks.

AMEND SECTION TWENTY-TWO.

Strike out section twenty-two and insert instead thereof the words :
“ That the district courts of the twenty-first judicial district shall be holden at the times herein specified, to-wit :

In the county of Colorado, on the first Mondays in October, February and June, and may continue in session five weeks.

In the county of Fort Bend, on the second Mondays in November, March and July, and may continue in session three weeks.

In the county of Austin, on the second Mondays in December, April and August, and may continue in session four weeks.

AMEND SECTION THIRTY.

Strike out section thirty and insert instead thereof: “ That the district courts of the twenty-ninth judicial district shall be holden at the times hereinafter specified, to-wit :

In the county of Fayette, on the first Mondays in October, February and June, and may continue in session five weeks.

In the county of Washington, on the second Mondays in November, March and July, and may continue in session till the business is disposed of.

Senator Mills moved a committee of conference of three be appointed on the part of the Senate to confer with a like committee on part of the House on Senate bill No. 197.

Carried.

The Chair appointed Senators Douglas, Dohoney and Priest.

Report of Committee on Enrollment :

COMMITTEE ROOM,
Austin, July 28, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Enrolled Bills have examined and find correctly enrolled substitute for Senate bill No. 130, entitled "An Act to incorporate the Texas Odd Fellows' University and Orphans' Home," and to-day at 1 o'clock and 10 minutes P. M. presented the same to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

On motion of Senator Baker, the rules were suspended to take up House bill No. 350, "An Act for the relief of the Houston and Texas Central Railway Company."

Bill read first time.

Rules suspended and bill read second time.

Senator Broughton offered the following amendment :

Amendment, section three, to come in after the word "Dallas," and before the word "as," in fifth line, insert "and to a point on Red river, within fifteen miles of Preston."

Adopted.

Rules suspended and bill read third time.

Yeas and nays taken on final passage.

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Flanagan, Ford, Fountain, Gaines, Mills, Parsons, Pickett, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—21.

Nays—Douglas, Evans, Hall, Hertzberg, Pettit, Priest—6.

Absent—Latimer.

Bill passed.

Message from the House informing the Senate that the House do not concur in the following Senate amendments to House bill No. 341 "An Act providing for the issuance and sale of the State bonds," etc :

Strike out in lines four and five, the words "sufficient to pay," and insert in lieu thereof the words, "of two per cent to be applied to the payment of."

Amend section five, line two, after the word "advantage" add "provided the said bonds shall not be sold at less than par."

Amend section five, line five, by striking out the words and a half."

Pending discussion, message from the House informing the Senate the House has appointed Messrs. Burnett, Jenkins, Cooper, Hawkins and Hughes to confer with a like committee on part of the Senate, and agree upon amendments to Senate bill No. 197.

The question recurring upon amendments to House bill No. 341, the Chair put the question, " Shall the Senate adhere to its amendments to House bill No. 341?"

Yeas and nays demanded and resulted as follows :

Yeas--Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Mills, Pickett, Pridgen, Shannon--13.

Nays--Mr. President, Baker, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Pettit, Priest, Rawson, Ruby, Saylor--13.

Senator Bowers moved the Senate adjourn till to-morrow 10 A. M.

Yeas--Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Gaines, Mills, Pickett, Priest, Pridgen, Shannon--17.

Nays--Ford, Fountain, Hall, Hertzberg, Parsons, Pettit, Rawson, Ruby, Saylor--9.

So the Senate adjourned.
